

Notice of Allowability	Application No.	Applicant(s)	
	10/700,176	NAKAMURA ET AL.	
	Examiner	Art Unit	
	Barbara Summons	2817	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The two preliminary amendments received 03 November 2003.
2. ☒ The allowed claim(s) is/are 20-24.
3. ☒ The drawings filed on 03 November 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/196,433.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>11/3/03</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT/REASONS FOR ALLOWANCE

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Daniel N. Calder (Reg. no. 27,424) on October 18, 2004.

The application has been amended as follows:

In the claims:

In claim 21, on line 1, "said fourth" has been changed to - - a fourth - - because a fourth IDT electrode has not been previously mentioned in the claim.

Similarly, in claim 21, on line 4, "said fifth" has been changed to - - a fifth - -.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The claims of the instant application are similar to those of the parent application, but have additional features and/or different combinations of the features. The prior art of record does not disclose or fairly suggest a surface acoustic wave (SAW) filter having each of the specifically recited combinations of features, at least one feature not shown being a filter wherein the "main input pitch" and the "main output pitch" are "different from each other" (see each of claims 20 and 22-24, lines 14-15). Some of the closest

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prior art of record is discussed below. The parent application, which is now U.S. 6,674,345, was reviewed for Double Patenting issues and none were found.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Each of Takamine et al. U.S. 6,781,478 (see Fig. 10); Takamine U.S. 6,762,657 (see Figs. 11 and 14); Takamine U.S. 6,621,380 (see Fig. 1); and Takamine U.S. 6,583,691 (see Figs. 1 and 4) disclose longitudinally coupled SAW filters having input and output interdigital transducers (IDTs) that have a plurality of electrode finger pitches. That is they have a narrow pitch electrode portion in the area where the input/output IDTs are adjacent to each other, and the other areas of the IDTs, which would be considered the "main pitch" portions since they have more electrode fingers, have a larger pitch. Some references even discuss the narrow pitch electrode finger portions being different in the input and output IDTs (see e.g. Fig. 1 of U.S. 6,621,380). However, none of the references discuss the relationship of the "main input pitch" and the "main output pitch". Nor do they discuss the "peak frequency radiation characteristic" of the input IDT and the output IDT (see claims 20 and 22, the last paragraph; and claims 23 and 24, lines 25-27).

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara Summons whose telephone number is (571) 272-1771. The examiner can normally be reached on M-Th, M-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pascal can be reached on (571) 271-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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October 18, 2004



**BARBARA SUMMONS
PRIMARY EXAMINER**